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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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10 United States of America,

11 Plaintiff/Respondent,

12 vs.

13 Timothy K. Isaac,

14 Defendant/Movant.
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No. CV-11-0827-PHX-PGR (ECV)
No. CR-08-0036-PHX-PGR

ORDER

16 Having considered *de novo* the Report and Recommendation of Magistrate
17 Judge Voss notwithstanding that no party has filed any objections to the Report and
18 Recommendation, the Court finds that the Magistrate Judge correctly concluded that
19 the movant's motion filed pursuant to 28 U.S.C. § 2255 should be denied in its
20 entirety.

21 First, the movant claims that his plea of guilty on June 23, 2009 to nine fraud-
22 related felonies was not knowingly and intelligently made due to a stroke he suffered
23 in 2003 that left him mentally incompetent and physically disabled, and that he
24 received ineffective assistance from one or more of his three retained attorneys in
25 part because they apparently failed to determine whether his mental and physical
26 disabilities prevented him from properly entering into the plea agreement. The Court

1 agrees with the Magistrate Judge that nothing in the record establishes that the
2 movant was not competent to plead guilty, and that in fact the record as it relates (1)
3 to the movant's post-stroke business endeavors in the years prior to his decision to
4 plead guilty, and (2) to his statements at his change of plea hearing, as well as his
5 statements and the statements of his supporters at his sentencing, fully confirm that
6 he was not suffering from any mental impairment at the time he entered into this plea
7 agreement.

8 Second, the Court also agrees with the Magistrate Judge that the movant's
9 other ineffective assistance of counsel-related claims, *i.e.*, that one of his attorneys
10 had a conflict of interest, that one of his attorneys had no criminal experience, and
11 that one or more of his attorneys' misrepresented that he would receive probation
12 if he pleaded guilty, are also all belied by the record, particularly as it relates to the
13 movant's statements at the change of plea hearing. Therefore,

14 IT IS ORDERED that the Magistrate Judge's Report and Recommendation
15 (Doc. 12) is accepted and adopted by the Court.

16 IT IS FURTHER ORDERED that the movant Timothy K. Issac's Motion Under
17 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal
18 Custody is denied and that this action is dismissed. The Clerk of the Court shall
19 enter judgment accordingly.

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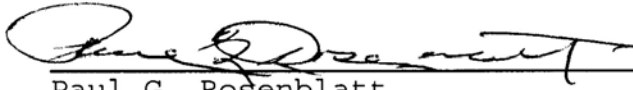
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1 IT IS FURTHER ORDERED that no certificate of appealability shall issue
2 because the movant has not made a substantial showing of the denial of a
3 constitutional right, and that the movant should not be allowed to appeal *in forma*
4 *pauperis*.

5 DATED this 17th day of October, 2012.

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8 Paul G. Rosenblatt
United States District Judge
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